IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

ANTHONY GRAVES	§	
	§	
	§	CIVIL ACTION NO. G-00-221
	§	
DOUG DRETKE,	§	
DIRECTOR, TDCJ-CID	§	

ORDER

On March 14, 2005, Petitioner in the above-titled case filed a Notice of Appeal and an Application for a Certificate of Appealability from the Order and Final Judgment entered in this habeas corpus action on February 16, 2005. Under 28 U.S.C. § 2253(c)(2), a Certificate of Appealability may issue only if Petitioner has made a substantial showing of the denial of a constitutional right. In accordance with paragraph 2253(c)(3), this Court must specify which issues satisfy the showing under subparagraph (c)(2).

After a thorough review of the record in this case, it is **ORDERED** that a Certificate of Appealability is **GRANTED** on the two issues remanded to this Court by the Fifth Circuit: (1) whether Petitioner's rights under *Brady v. Maryland*, 272 U.S. 83 (1963) were violated when the prosecution failed to disclose that Robert Carter claimed to have committed the murders alone, and (2) whether those same rights were violated by the failure to disclose Carter's statement that he committed the murders with this wife Theresa.

DONE at Galveston, Texas, this 17th day of March, 2005.

SAMUEL B. KENT
UNITED STATES DISTRICT JUDGE